16

G. R. S. 58
Previous references.

File No. 22 — 11

1911.

Serial Nos. 1

G.O. 13989/J812 & 6.3.1895 (Police)

Later references.
cls 342-14
police 154-19.1-2)
" 218-30-1 8

GENERAL AND REVENUE SECRETARIAT.

Serial No. 1

Part B. for July 1911

SUBJECT.

Power to hold inquests in the Bangalore city

Dated 19th July 1911

S.20:1)—

No. J. 292-4 / Police 22-11-1

Directing that inquests in the City of Bangalore be conducted by the Police officers having jurisdiction in accordance with the provisions of the Code of Criminal Procedure, and subject to the limitations contained therein.

GPB...8,000—7-4-07

Recorded by
Gadnaik
18.10.11

SW/17/10

G.R.S. 11] 1901

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 22-11

FILE HEADING.

Power to hold inquests in the Bangalore City

From

No. Dated Received

Diary No. | Enclos. | Spare Copies | Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Under clause (5) of Section 174 of the Criminal Procedure Code, any Dt. Magistrate or a Sub-Divisional Magistrate or a magistrate specially empowered (by Govt or Dt. Magte) may hold inquests. In their order No. 13989/J 81 dated the 6th March 1895

Notes—First sheet

GPB—30,000—3-4-07.

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Govt directed that all inquests in the Bangalore city should be held by the City Magistrate and when that officer is prevented from doing so, by some other Competent 1st or 2nd class Magistrate whom the Dt. Magistrate might direct, by a general or special order. It is now a matter for consideration whether in case the City Magistrate is to be relieved of this duty the Amildar of the Bangalore Taluk or if he is not present in the Station, the Treasury Asstt Comr may not be empowered to hold inquests. The Police seem to have the power to hold inquests under the general provisions of Cl: (1) of Section 174 of the Cr. P. Code and no special authorization seems to be necessary

SW(III) 27/6/11

2 Mr Circumstances which resulted in the issue of the Circular of the Govt in 1876 are to be found in the Enclosure to the District Magt's letter of 1894 in the file below. Inquests are held by ordinary Police Officers - usually of the rank of a Jamedar not - though -

GPB—50.00 - 12-8-10

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out the State and there seems to be no reason whatever why Bangalore city should be treated differently. The city Magte may be relieved of the work and it may be assigned to the Chief ~~Constables of the~~ Inspector in charge of the city or in case of his unavoidable absence to the ~~Chief Constables~~ Inspectors in charge of the ~~two~~ respective Police Divisions of the city. The Treasury Asstt Comnr of the Bangalore West seems to have heavy work consequent on the abolition of the State Bank Treasury.

3) I submit a draft order will be put up rescinding the instructions contained in the Judicial Comnr's Circular refd to above. No notification appears to be necessary.

= Sd -

27/6/11.

Secy 4) Yes - Please put up draft order.

27/6/11

NOTE—Contn. sheet.

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G. R. S. 12]
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5) Subd with a draft order.
SPK(11)
27/6/11.

6) Devan Munshi 1877 2nd Ors.
Ch.
27/6/11

7) Please insert the correct designations of the Police Officers - Is it not 'Chief Inspector' and 'Inspector'
Please put up the Bangalore Town Police Act which was recently abrogated.
What is the procedure and practice in the C.I.D. Station and in the large towns and cities of British India?
In the Rash, much stress has been laid on the inquest duty being performed by the City Magistrate to the exclusion of the Police. What has occurred to render this ground inoperative now?
8) If the Police are to be invested

NOTE—Contn. sheet.

GPB—50,000—12-8-10

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with this provision in Bangalore City, at least a saving clause stating that in important cases, at the discretion of the Dt Magistrate or City Magistrate, the Inquest should be held by a Magistrate seems to be necessary Hd Q & may be inserted.

29/6/11

Asstt Secy's note

dx 28/6/11

Police 28/6

10) Subd. The correct designations are Chief Inspector & Inspector. The Town Police Act & the Coroners Act are put up. (Vide Pls. 7 & 8). Information as to what the practice is in the C & M. Stations and in the large towns & cities of British India is not available. Send with a draft D. O. calling for the same.

Yes.

This will take time. No file is immediate.

However a D.O. inquiring herein made

30/6

B. G. 30.6.11 SN(III) (57) 30/6/11

11) In British India inquests I think are held by police officers except in the towns of Bombay and Calcutta where Coroners Exercise jurisdiction under a special Act called the Coroner's

GPB—50.000—13-5-08

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Act. This jurisdiction is something quite different from and very much more important than the inquest held by Police Officers under the Criminal Procedure Code. For instance, a Coroner is a 'Court' by himself, is assisted by juries numbering from 5 to 15, can summon witnesses and record Evidence. He guides the jury in their deliberations and records a verdict of guilty or not guilty against accused persons and if the former he can commit them to take their trial at the High Court Sessions. The function of a Police Officer and of the two respectable persons ~~Laws~~ summoned to be present at the inquest ~~are~~ is of a very much more modest character, being confined in fact to making an open record of Evidence which is liable to be destroyed. The Police Officer can not deliver a verdict of 'guilty or not guilty' against any person and he need not even enquire during the inquest who committed the offence.

In Madras a Police Inspector

NOTE—Contn. sheet.

Serial No.

Conducts the inquest. [Mr Isaac remarked, in the course of a discussion on the Investigation Centre Scheme in the D.R.A., that Everywhere in British India (Except of course in the towns of Bombay and Calcutta) inquests are held by Police Officers and that it is only in Bangalore a different rule prevails].

Flag H — By Except the reason stated in the Judicial Commr's Circular letter of 27th June 1876, it is not Easy to Conceive what other reason might have prompted the arrangement ordered in that year. We are getting a much better Staff of Police Officers in the higher ranks recently — Some of them are Graduates in arts and Law — and they can ordinarily be trusted to Exercise properly the powers Conferred by Sec 174 of the Cr. Pr. Code. There is of course no harm in reserving a power that in Cases of Special importance the District Magte may direct that the

GPB—50,000—12-8-10

Serial No.

... inquest be held by a Magistrate.

30/6/11.

1) May be approved. In important and sensational cases of homicide, suicide, accident etc the inquest may be ordered to be held by a Magistrate - all Inquest reports are submitted by the Police to the Magistrate having jurisdiction (in this case the City Magistrate) who alone has the power to accept them or order further enquiry

1/7/11
30/6/11
30/6/11

2nd C. of Devan)

14) Ss. 174 & ~~175~~ 176 of the Code of Cr. Pr. Contain the law applicable to this matter. It ~~is~~ is quite undesirable (even if legal) to take

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Serial No.

away the duty altogether from the Magistrates. There is little doubt that the Police officers will be quite competent to hold these inquests; but in important cases, it is quite necessary that Magistrates should have the power of taking it out of their hands at the earliest stage possible. The order as drafted will deprive the City Magistrate (who is neither a District Magistrate nor a Subdivisional Magistrate) of the power of holding inquests. I think it necessary that such power should be reserved.

15) I have therefore re-drafted the order, in a manner not to conflict with the provisions of the Code

NOTE—Contn. sheet.

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G. R. S. 12]
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for Procedure

30/6/14

Ch
Sd
31/7/14

16 The draft put up by the 2nd Counsellor is ~~approved~~ submitted for approval.
Dewan Munsif 15/7/14

Ch
9/7/14
Sd
14/7/14

17 The draft put up by the 2nd Counsellor is quite in accordance with my oft expressed view that the City Magistrate while making use of the Police for inquests should himself hold inquests in important cases affecting public interest such an injunction will tend to allay public anxiety in cases of more than ordinary importance

2 Counsellors draft approved
Ch 15/July/11

Ch
13/7/14
Sd
Dewan

Note—Contn. sheet.

GPB—50,000—12-6-10

12507/14.7.11

B Rev 25/6/11

2 months 12507/37.11 Dewan

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 22 of 1911.

Serial No.	
	18/Issue
	17/7/14
	17/7/14
1	To The Registrar, Chief Court, The Dt. Magte Bangalore & The D. G. of Police no. J 292-46/19.7.11.

Directs that inquests in the City of Bangalore be conducted by the police officers having jurisdiction in accordance with the provisions of the C.P.C and subject to the limitations contained therein & that the City Magte. need take part in inquests only in such important cases as may require his intervention.

Note—Contn. sheet.

GPB—60,000—12-6-10

G.R.S. 28]

File No. 22-4

Serial No. /

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Police)

, *the* 190

Date of issue 19-7-11

Signed by Sm S. Hiriyannaiya.

READ.—

Govt. order No. 13989-J 812 dy 6 March 1895 directing that in the City of Bangalore all inquests should as a rule be held by the City Magistrate.

ORDER THEREON.—No. J 292-4.

Govt are pleased to cancel the orders contained in Govt Pr. No. 13989 J 812 d. 6 March 1895 read above and to direct

over

SUBJECT that inquests in the city of Bangalore shall be conducted by the Police Offrs hav-

MGCPB—9,000—11-9-04

ing jurisdiction in accordance with the provisions of the Criminal Code of ~~Criminal~~ Procedure, and subject to the limitations contained therein.

Under S. 174 (1) thereof, Govt are pleased to empowers the Chief Insp in charge of the city Police to make investigations under that Section throughout the area of the Bangalore city. In unavoidable his absence ~~of the~~ the Insp in charge of the Division ~~Station~~ within the ~~who~~ limits of which the death occurs will make the investigation.

The city Magistrate

G.R.S. 28]

File No.

Serial No.

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

2

GENERAL AND REVENUE SECRETARIAT.

( )

READ.—

, the 190

of Bangalore who has power to hold inquests will be the Magte to whom the intimation required by the said section will be given. He will exercise the powers given in S. 176 of the Code in such important cases as may require his intervention. CSB 8/7/11

Date of issue _____

Signed by _____

Letter 15 July 11

ORDER THEREON.—No

SUBJECT

In inquests only + need take part in

important

Hd W

30/7/11

MGCPB—3,009—11-9-04

To

Registrar, Chief Court-

The Dt magte, Bangalore

The I: G of Police

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Police), dated 19th July 1911.

READ—

Government Order No. 13989—J. 812, dated 6th March 1895, directing that in the City of Bangalore all inquests should, as a rule, be held by the City Magistrate.

No. J. 202-4—POLICE 22-11-1, DATED BANGALORE, 19TH JULY 1911.

ORDER THEREON.—Government are pleased to cancel the order contained in Government Proceedings No. 13989—J. 812, dated 6th March 1895, read above, and to direct that inquests in the City of Bangalore shall be conducted by the Police officers having jurisdiction in accordance with the provisions of the Code of Criminal Procedure, and subject to the limitations contained therein.

2. Under Section 174 (1) thereof, Government are pleased to empower the Chief Inspector in charge of the City Police to make investigations under that section throughout the area of the Bangalore City. In his unavoidable absence, the Inspector in charge of the Division within the limits of which the death occurs will make the investigation.

3. The City Magistrate of Bangalore, who has power to hold inquests, will be the Magistrate to whom the intimation required by the said section will be given. He will exercise the powers given in Section 176 of the Code and need take part in inquests only in such important cases as may require his intervention.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts,

To—The Registrar of the Chief Court of Mysore.
The District Magistrate, Bangalore.
The Inspector-General of Police in Mysore.

Exd.—C. V.